

DARWIN CITY COUNCIL

SIXTY-FIFTH ORDINARY MEETING OF THE TWENTIETH COUNCIL

TUESDAY, 29 MARCH 2011

MEMBERS: The Right Worshipful, Lord Mayor, Mr G R Sawyer (Chairman); Member J D Bailey; Member R T Dee; Member R K Elix; Member H I Galton; Member R M Knox; Member G A Lambert; Member R Lesley; Member F P Marrone; Member A R Mitchell; Member K M Moir; Member J L Sangster; Member H D Sjoberg.

OFFICERS: Chief Executive Officer, Mr B P Dowd; General Manager Corporate Services, Mr F Crawley; General Manager Infrastructure, Mr L Cercarelli; General Manager Community & Cultural Services, Mr J Banks; Executive Manager, Mr M Blackburn; Committee Administrator, Ms L Elmer.

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1 ACKNOWLEDGEMENT OF COUNTRY

2 THE LORD'S PRAYER

3 MEETING DECLARED OPEN

4 APOLOGIES AND LEAVE OF ABSENCE

4.1 Apologies

4.2 Leave of Absence Granted

- A. THAT it be noted that The Right Worshipful, Lord Mayor, Mr G R Sawyer, is an apology due to a Leave of Absence being previously granted on 22 February 2011 for the period 29 March to 1 April 2011.
- B. THAT it be noted that Member H D Sjoberg is an apology due to a Leave of Absence being previously granted on 22 February 2011 for the period 23 March 2011 to 17 April 2011.

DECISION NO.20\() (29/03/11)

4.3 Leave of Absence Requested

5 DECLARATION OF INTEREST OF MEMBERS AND STAFF

6 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

6.1 Confirmation of the Previous Ordinary Council Meeting Common No. 1955119

THAT the tabled minutes of the previous Ordinary Council Meeting held on Tuesday, 15 March 2011, be received and confirmed as a true and correct record of the proceedings of that meeting.

DECISION NO.20\() (29/03/11)

7 BUSINESS ARISING FROM THE MINUTES OF PREVIOUS MEETING

7.1 Business Arising

8 MATTERS OF PUBLIC IMPORTANCE

9 DEPUTATIONS AND BRIEFINGS

Nil

10 PUBLIC QUESTION TIME

Nil

11 CONFIDENTIAL ITEMS**11.1 Closure to the Public for Confidential Items**

Common No. 1944604

THAT pursuant to Section 65 (2) of the Local Government Act and Regulation 8 of the Local Government (Administration) Regulations the meeting be closed to the public to consider the Confidential matters referred from Committees including Confidential Committee Items, and the following Items:-

<u>Item</u>	<u>Regulation</u>	<u>Reason</u>
C24.1	8(c)(ii)	Information that would, if publicly disclosed, be likely to prejudice the maintenance or administration of the law.
C26.1	8(c)(i)	Information that would, if publicly disclosed, be likely to cause commercial prejudice to, or confer an unfair commercial advantage on, any person.
C28.1	8(c)(ii)	Information that would, if publicly disclosed, be likely to prejudice the maintenance or administration of the law.
C28.2	8(c)(ii)	Information that would, if publicly disclosed, be likely to prejudice the maintenance or administration of the law.
C29.1	8(d)	Information subject to an obligation of confidentiality at law, or in equity.

11.2 Moving Open Items Into Confidential**11.3 Moving Confidential Items Into Open**

12 PETITIONS

Nil

13 NOTICES OF MOTION

Nil

14 COMMITTEE REPORTS**14.1 COMMUNITY & CULTURAL SERVICES (14/03/11)****Presentation of Report by Chairman - Member R Lesley**

Recommendations from the Community & Cultural Services Committee Meeting held on Monday, 14 March 2011

1. Darwin Entertainment Centre 2010/2011 Second Quarter Funding Reports October to December 2010

Document No. 1948126 (9/03/11) Common No. 1898370

THAT the Darwin Entertainment Centre 2010/2011 Second Quarter Funding Reports October to December 2010, Document Number 1948126, be received and noted

DECISION NO.20\() (29/03/11)

2. Advice of the RSPCA Darwin Regional Branch Board Members

Document No. 1950572 (9/03/11) Common No. 1950572

THAT the incoming letter from Ms Juanita Croft, President, RSPCA Darwin Regional Branch NT, dated 4 February 2011 advising of the RSPCA's Darwin Regional Branch Board Members, Document Number 1950572, be received and noted.

DECISION NO.20\() (29/03/11)

3. Darwin City Brass Band's Application for Funding, Proposed Budget for 2011/2012, Audited Financial Statements for Year Ended 30 2010 and Reformatted 2010/2011 Budget

Document No. 1951983 (09/03/11) Common No. 1951983

THAT the Darwin City Brass Band's Application for Funding, Proposed Budget for 2011/2012, Audited Financial Statements for Year Ended 30 June 2010 and Reformatted 201/2011 Budget, Document Number 1951983, be received and noted.

DECISION NO.20\() (29/03/11)

14 COMMITTEE REPORTS**14.1 COMMUNITY & CULTURAL SERVICES (14/03/11)****Presentation of Report by Chairman - Member R Lesley**

Recommendations from the Community & Cultural Services Committee Meeting held on Monday, 14 March 2011

4. Darwin Entertainment Centre Revised Budget 2010/2011
Document No. 1958123 (09/03/11) Common No. 1958123

THAT the Darwin Entertainment Centre Revised Budget 2010/2011, Document Number 1958123, be received and noted.

DECISION NO.20\() (29/03/11)

5. Community & Cultural Services Team Report – February 2011
Report No. 11C0034 KH:es (9/03/11) Common No. 1733166

THAT Report Number 10C0034 KH:es entitled, Community & Cultural Services Team Report – February 2011, be received and noted.

DECISION NO.20\() (29/03/11)

6. Regulatory Services Monthly Update – February 2011
Report No. 11C0035 DN:mrg (09/03/11) Common No. 1330602

THAT Report Number 11C0035 DN:mrg entitled Regulatory Services Update February 2011, be received and noted.

DECISION NO.20\() (29/03/11)

14 COMMITTEE REPORTS**14.1 COMMUNITY & CULTURAL SERVICES (14/03/11)****Presentation of Report by Chairman - Member R Lesley**

Recommendations from the Community & Cultural Services Committee Meeting held on Monday, 14 March 2011

7. Libraries Information Update for February 2011

Report No. 11P0003 KC:md (09/03/11) Common No. 1943023

THAT Report Number 11P0003 entitled, Libraries Information Update for February 2011, be received and noted.

DECISION NO.20\() (29/03/11)

8. Malak Basketball Court - Update Report

Report No. 11C0007 CD:kl (09/03/11) Common No. 1655059

THAT Report Number 11C0007 entitled, Malak Basketball Court - Update Report, be received and noted.

DECISION NO.20\() (29/03/11)

14 COMMITTEE REPORTS**14.1 COMMUNITY & CULTURAL SERVICES (14/03/11)****Presentation of Report by Chairman - Member R Lesley**

Recommendations from the Community & Cultural Services Committee Meeting held on Monday, 14 March 2011

9. Arts and Cultural Development Advisory Committee (ACDAC) Minutes 11 November 2010, Recycled Art Festival Evaluation and Poster Facilities
Report No. 11C0018 AR:es (09/03/11) Common No. 1937383

- A. THAT Report Number 11C0018 AR:es entitled, Arts and Cultural Development Advisory Committee (ACDAC) Minutes 11 November 2010, Recycled Art Festival Evaluation and Poster Facilities, be received and noted.
- B. THAT the 2010 Darwin Recycled Art Festival Evaluation Report, be received and noted.
- C. THAT Council engage a landscape architect to develop a strategy for implementing poster facilities in Darwin, preferably in the form of a network of concrete bollards, including guidelines for use and maintenance, and that an allocation of \$10,000 be identified within the Capital Works - Public Art Strategy Development budget.

DECISION NO.20\() (29/03/11)

14 COMMITTEE REPORTS**14.1 COMMUNITY & CULTURAL SERVICES (14/03/11)****Presentation of Report by Chairman - Member R Lesley**

Recommendations from the Community & Cultural Services Committee Meeting held on Monday, 14 March 2011

10. Minutes of Disability Advisory Committee Meeting of 10 February 2011
Report No. 11C0037 NM:kl (09/03/11) Common No. 1965657

- A. THAT Report Number 11C0037 NM:kl entitled, Minutes of Disability Advisory Committee Meeting of 10 February 2011, be received and noted.
- B. THAT an access path be installed from the pedestrian gate in the front fence of 26 Copra Crescent, Karama, to the road, using funds from Council's Disability Access Budget 2010/2011 and that the path be designed in accordance with Australian Standards.
- C. THAT Council investigate access issues to the first floor of the Civic Centre caused by the inadequate size of the lift.
- D. THAT a Liberty Swing be installed at the Lake Alexander Regional Playground for use by people with disability, subject to available funding.

DECISION NO.20\() (29/03/11)

14 COMMITTEE REPORTS**14.1 COMMUNITY & CULTURAL SERVICES (14/03/11)****Presentation of Report by Chairman - Member R Lesley**

Recommendations from the Community & Cultural Services Committee Meeting held on Monday, 14 March 2011

11. Youth Advisory Group Minutes 02 February 2011

Report No. 11C0039 KH:kl (09/03/11) Common No. 1966934

A. THAT Report Number 11C0039 KH:kl entitled, Youth Advisory Group Minutes 2 February 2011, be received and noted.

B. THAT Council appoint:

- Felix Baker
- Lang Williamson
- Angus Robson
- Kathleen Withers
- Sita Valadian
- Honeylyn Lisson
- Luxmy Chandran

as members of the Youth Advisory Group (YAG) for a 3 year term from 1 March 2011 to 29 February 2014 in accordance with Section 54 of the NT Local Government Act 2008.

DECISION NO.20\() (29/03/11)

14 COMMITTEE REPORTS**14.1 COMMUNITY & CULTURAL SERVICES (14/03/11)****Presentation of Report by Chairman - Member R Lesley**

Recommendations from the Community & Cultural Services Committee Meeting held on Monday, 14 March 2011

12. Sister City Community Committee Informal Minutes – Anchorage 3 February 2011 – Professional Skills Exchange, Pen Pal Project, Art Exchange, Arafura Games

Report No. 11C0031 HB:es (09/03/11) Common No. 1944305

- A. THAT Report Number 11C0031 HB:es entitled, Sister City Community Committee Informal Minutes - Anchorage 3 February 2011 - Professional Skills Exchange, Pen Pal Project, Art Exchange, Arafura Games, be received and noted.
- B. THAT up to \$6800 of the Anchorage Sister City Community Committee budget (W1582) is allocated to a professional skills exchange between Anchorage, Alaska and Darwin.
- C. THAT up to \$300 of the Anchorage Sister City Community Committee budget (W1582) be allocated towards a pen pal project between Rogers Park Elementary in Anchorage, Alaska and a middle school in Darwin.
- D. THAT up to \$100 of the Anchorage Sister City Community Committee budget (W1582) is allocated to the Sister Cities Night at the Arafura Games in May 2011.

DECISION NO.20\() (29/03/11)

14 COMMITTEE REPORTS**14.1 COMMUNITY & CULTURAL SERVICES (14/03/11)****Presentation of Report by Chairman - Member R Lesley**

Recommendations from the Community & Cultural Services Committee Meeting held on Monday, 14 March 2011

13. Sister City Community Committee Minutes - Haikou 14 February 2011 – Arafura Games cultural night, Commissioned Art Work, Commissioned Sister City Dance, Chinese New Year Advertisement

Report No. 11C0032 HB:es (09/03/11) Common No. 1957468

- A. THAT Report Number 11C0032 HB:es entitled, Sister City Community Committee Minutes - Haikou 14 February 2011 - Arafura Games Cultural Night, Commissioned Art Work, Commissioned Sister City Dance, Chinese New Year Advertisement, be received and noted.
- B. THAT the Haikou Sister City Community Committee recommends that up to \$100 is allocated from budget number W1579 to the Sister Cities Night at the Arafura Games in May 2011.
- C. THAT the Haikou Sister City Community Committee recommends that up to \$2800 be allocated from budget number W1579 to the commissioning and sending of an artwork that embodies Darwin for the Haikou Sister City Show Window in Haikou, China.
- D. THAT the Haikou Sister City Community Committee recommends that up to \$1300 in cash or in-kind is allocated from budget number W1579 to commissioning the Darwin branch of the Australia-China Friendship Society in their development of a Sister City themed performance.

DECISION NO.20\() (29/03/11)

14 COMMITTEE REPORTS**14.1 COMMUNITY & CULTURAL SERVICES (14/03/11)****Presentation of Report by Chairman - Member R Lesley**

Recommendations from the Community & Cultural Services Committee Meeting held on Monday, 14 March 2011

14. Sister City Community Committee Minutes - Dili 15 February 2011 - Big Gig, Arafura Games, Youth Conference, Waste Management
Report No. 11C0033 HB:es (09/03/11) Common No. 1951444

- A. THAT Report Number 11C0033 HB:es entitled, Sister City Community Committee Minutes - Dili 15 February 2011 - Big Gig, Arafura Games, Youth Conference, Waste Management, be received and noted.
- B. THAT the Dili Sister City Community Committee recommends that up to \$4860 is allocated to sponsoring three members of Action For Change Foundation to visit Darwin during National Youth Week and actively participate in hosting of The Big Gig.
- C. THAT the Dili Sister City Community Committee recommends that up to \$100 is allocated to the Sister Cities Night at the Arafura Games in May 2011.
- D. THAT the Dili Sister City Community Committee recommends that up to \$2000 is allocated to sending youth representatives from Darwin to attend a Youth Conference in Timor-Leste from August 5 – 8 and/ or September 7 – 14 2011.
- E. THAT the Dili Sister City Community Committee recommends that up to \$1000 is allocated to the Waste Management Mentorship project for two nominees from Dili, Timor-Leste.
- F. THAT the Dili Sister City Community Committee recommends that the Sister City Film Night on 30 June 2011 be supported in principle.

DECISION NO.20\() (29/03/11)

14 COMMITTEE REPORTS**14.2 CORPORATE & ECONOMIC DEVELOPMENT (22/03/11)****Presentation of Report by Acting Chairman - Member R T Dee**

Recommendations from the Corporate & Economic Development Committee Meeting held on Tuesday, 22 March 2011

1. Corporate Services Monthly Report -February 2011

Report No. 11A0041 (11/03/11) Common No. 339108

- A. THAT Report Number 11A0041 entitled, Corporate Services Monthly Report – February 2011, be received and noted.
- B. THAT a preliminary report on the advantages and disadvantages of transferring to the TRIM Document Management System, be presented to a future Corporate & Economic Development Committee Meeting.

DECISION NO.20\() (29/03/11)

2. Listing of Cheques/ EFT Payments February 2011

Report No. 11A0042 (11/03/11) Common No. 339125

THAT Report Number 11A0042 entitled, Listing of Cheques / EFT Payments – February 2011 be received and noted.

DECISION NO.20\() (29/03/11)

3. Financial Report to Council - February 2011

Report No. 11A0043 (11/03/11) Common No. 339122

THAT Report Number 11A0043 entitled, Financial Report to Council – February 2011, be received and noted.

DECISION NO.20\() (29/03/11)

14 COMMITTEE REPORTS**14.2 CORPORATE & ECONOMIC DEVELOPMENT (22/03/11)****Presentation of Report by Acting Chairman - Member R T Dee**

Recommendations from the Corporate & Economic Development Committee Meeting held on Tuesday, 22 March 2011

4. Invitations Accepted or Declined by the Lord Mayor During January and February 2011

Report No. 11TC0014 MB:sv (14/02/11) Common No. 381402

THAT Report Number 11TC0014 MB:sv entitled, Invitations Accepted or Declined by the Lord Mayor during January and February 2011, be received and noted.

DECISION NO.20\() (29/03/11)

5. Monthly On-Street and Off-Street Parking Statistics – February 2011

Report No. 11A0044 (11/03/11) Common No. 376351

THAT Report Number 11A0044 entitled, Monthly On-Street and Off-Street Parking Statistics – February 2011, be received and noted.

DECISION NO.20\() (29/03/11)

C28 COMMITTEE REPORTS**C28.3 ENVIRONMENT & INFRASTRUCTURE (21/03/11)****Presentation of Report by Chairman - Member R K Elix**

Recommendations from the Environment & Infrastructure Committee Meeting held on Monday, 21 March 2011

1. Redevelopment of Cavenagh Street, Darwin

Document No.1970043 (10/03/11) Common No. 223527

- A. THAT the Petition, in relation to the Redevelopment of Cavenagh Street, Darwin, Document Number 1970043, be received and noted.
- B. THAT the Petition entitled, Redevelopment of Cavenagh Street, Darwin be considered as part of a report to Council regarding the Cavenagh Street Renewal Project Community Consultation Outcomes which concluded on the 16 March 2011.

DECISION NO.20\() (29/03/11)

2. Climate Change & Environment Team Report Update – February/March 2011

Report No. 11TS0041PR (01/03/11) Common No. 1792647

THAT Report Number 11TS0041PR entitled, Climate Change & Environment Team Report Update February/March 2011, be received and noted.

DECISION NO.20\() (29/03/11)

C28 COMMITTEE REPORTS**C28.3 ENVIRONMENT & INFRASTRUCTURE (21/03/11)****Presentation of Report by Chairman - Member R K Elix**

Recommendations from the Environment & Infrastructure Committee Meeting held on Monday, 21 March 2011

3. Trial – Sustainable Systems for Lighting Coastal Parks

Report No. 1TS0042 DC:LM (02/03/11) Common No. 1969437

THAT Report Number 11TS0042 DC:LM entitled, Trial – Sustainable Systems Lighting for Coastal Parks, be received and noted.

DECISION NO.20\() (29/03/11)

4. Street Lighting

A. THAT the current work on street lighting be expanded to include consideration of the implications of LED lights.

B. THAT Council write to Power and Water Corporation to request they consider introducing the most energy efficient lighting to all new residential developments.

DECISION NO.20\() (29/03/11)

5. Shoal Bay

THAT Council advise the surrounding Councils that there are requirements for the sorting of waste prior to entry to the waste facility. The Councils will also be advised of a range of available recycling opportunities.

DECISION NO.20\() (29/03/11)

15 OFFICERS REPORTS

- 15.1 **Update Final Report 2010 Year of Women in Local Government and the Continuing Legacy**
Report No. 10TS0239PR (16/03/11) Common No. 1718184

Report Number 10TS0239PR attached.

ENCL: NO

DARWIN CITY COUNCIL

DATE: 16/03/11

REPORT

TO: 2nd ORDINARY COUNCIL MEETING/OPEN **APPROVED:** PR

FROM: MANAGER CLIMATE CHANGE & ENVIRONMENT **APPROVED:** MB

REPORT NO: 10TS0239PR **APPROVED:**

COMMON NO: 1718184

SUBJECT: UPDATE: FINAL REPORT 2010 YEAR OF WOMEN IN LOCAL GOVERNMENT AND THE CONTINUING LEGACY.



2010 YEAR OF WOMEN
IN LOCAL GOVERNMENT

CREATIVE | STRONG | INCLUSIVE | DIVERSE

ITEM NO: 15.1

SYNOPSIS

2010 was declared the Year of Women in Local Government (YoWiLG) and 21 National Ambassadors were announced at the official launch held in at the City of Sydney on Wednesday 20 January.

Pam Robinson, Manager Climate Change and Environment was selected as one of two Northern Territory Ambassadors within the twenty one Ambassadors appointed. The Ambassadors were charged to undertake the role of champions and raise awareness for the advancement of women in Local Government.

This report provides details of final events and programs undertaken by Pam since the previous report to Council in early September and indicates the beneficial legacy retained for Council from the outcomes of the 2010 Year of Women in Local Government.

Darwin City Council is among the leading Councils who are showing a healthy gender balance in both elected members and staff. Council's position on gender balance was recognised by being one of 22 Councils nationally awarded the Bronze Award in the inaugural round of 50:50 Vision "Councils for Gender Equity".

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 REPORT NUMBER: 10TS0239PR
 SUBJECT: UPDATE: FINAL REPORT 2010 YEAR OF WOMEN IN LOCAL GOVERNMENT
 AND THE CONTINUING LEGACY.

GENERAL:

2010 was declared the Year of Women in Local Government and Darwin City Council. Pam Robinson, Manager Climate Change and Environment was appointed as one of 21 Ambassadors.

Throughout the year Pam initiated and participated in a range of programs, projects and events both in Darwin as well as nationally.

Whilst Darwin City Council is well represented by women as Elected Members and with women employees, many Councils do not have such good representation. It is important however that Darwin City Council continues to maintain this leadership position.

Having been one of 22 Councils nationally to be awarded the inaugural 50:50: Vision "Councils for Gender Equity" Bronze Award, Council will continue with this program and plans to participate in the next level - the Silver Award. Information on the Silver Award status is provided later in this Report.

At the beginning of 2010, national data showed that less than 30 per cent of Councillors were women; 20 per cent of Senior Management roles were filled by women; and only 7 per cent of Council Chief Executive Officers were women. Darwin City Council currently has women at all levels of Team Management and Middle Management but not at General Manager or CEO level. With the advent of the 2010 Year of Women in Local Government, there is initial anecdotal evidence that increased interest by women to stand a local Council elections has increased.

Council continues to encourage women staff who are interested, available and wish to consider applying for Team Management, Middle Management and Senior Management positions.

Positive incentives to enable staff to undertake training and study that will help them achieve the level required for such positions continues to be necessary. This can be in the form of internal support and/or participation through wider training and networks.

At the beginning of the 2010 Year of Women in Local Government, the Australian Government announced a \$100,000 Scholarship funding to enable senior staff in Local Government to participate in the new Executive Leadership Program being developed by the Australian Centre of Excellence for Local Government (ACELG) and the Australia and New Zealand School of Government. The Leadership Program is designed specifically for CEO's/GM's or 2nd tier staff (Middle Managers) - that is those whose next step is likely to be GM/CEO.

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Applications are now open and the Program has been designed to enhance the capability of local government leaders to deliver public value for citizens in an increasingly complex and contested environment. It will bring together for the first time local government leaders from across Australia and New Zealand to explore emerging challenges for public management, including managing with contested authority, dealing with intractable problems, and pragmatism about the means of providing services.

It comprises two week-long segments that bring together 40 senior local government practitioners with leading academics, political and community leaders and senior state and national government officials. A detailed Program information pack has been sent to Council by the ACELG.

A National Board meeting, to round off the events of the Year of Women in Local Government, was to be held in February, but due to natural disasters occurring around Australia, that meeting was postponed and will now be held on 19 April.

Ambassadors, where possible, are continuing in their roles in order to assist the National Board with input and directions for the on-going legacy and outcomes from the 2010 YoWiLG. At the April meeting of the National Board, it is anticipated that a Reference Group will be formed to carry forward all remaining matters and link them to the existing organisations of the Australian Local Government Women's Association and possibly the Local Government Managers Association.

Ambassador Role

The range of activities undertaken by Ambassadors varied greatly – some seeing the role as carrying out duties requested by either the LGMA National Steering Committee or their Council to attend events. Most Ambassadors took a more proactive approach to the 2010 year opportunity provided to their role and for their Council.

In a previous report to Council the diverse range of activities I undertook as Ambassador in 2010 were provided. Additionally, opportunities were created to ensure the role of the Ambassador and Council's dedication as Gold Partner to YoWiLG were promoted by taking the Ambassador role out about in the Darwin community.

This was particularly in the direction of encouraging students to consider careers and jobs in Local Government. The range of opportunities within Local Government are not always considered in the final years of secondary schooling and by attending to this aspect within the Darwin area it will hopefully assist with the potential to create more locally qualified people for positions within local Councils.

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 AND THE CONTINUING LEGACY.

Within our Council, I responded to calls from female staff who came with thoughts of applying for other positions within the organisation, or were interested in the YoWiLG activities, or were seeking additional opportunities to network with other women in the workplace or within Darwin. I also had some preliminary discussion and sharing of ideas with Council's Training Officer who took a keen interest in the activities of the 2010 YoWiLG.

Below is a final list of activities and actions I undertook and supported in my year as an Ambassador.

Ambassador's Final 2010 Year of Women in Local Government activities and supported actions

- ✓ *LGANT Shires Training: participation in session for "Emerging Leaders", (September 2010)*
- ✓ *LGANT Annual Conference & NT ALGWA. Dinner Speaker, Alice Springs, 23 November 2010.*
- ✓ *Wagait Shire Council – Presentation to Council, November 2010.*
- ✓ *National ALGWA Conference – Ambassador attendance, Sydney 24-26 November: Airfare and accommodation provided by YoWiLG. Alderman Joanne Sangster also in attendance and received the inaugural Bronze Award 50:50 Vision, Council's for Gender Equity, on behalf of Council.*
- ✓ *In November 2010, Council's magazine 'myDarwin' provided a feature article for the Year of Women in Local Government. Council showcased to the Darwin Community its strong history of gender equity in positions of elected representatives, and featured some of the diverse range of positions held currently by female staff.*
- ✓ *Darwin City Council and Manager Strategies and Outcomes, featured in Local Government FOCUS, December edition.*
- ✓ *Council hosted a lunch for female staff members in recognition of the Year of Women in Local Government on 2 December. The Lord Mayor and CEO welcomed staff and guest speaker was former Chief Minister of the Northern Territory and now Professor Clare Martin, Fellow at the Northern Institute of Charles Darwin University.*

The staff members who attended the LGASA and LGMA SA: Women in Local Government Conference (17 September), undertook their first public speaking engagement with a talk on 'Opportunities and Learning' which resonated very positively with their colleagues.

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 AND THE CONTINUING LEGACY.

The event was very well attended by staff and through emails and calls received after the lunch there was a clear appreciation of Council's participation, of the opportunity to meet other staff and an appreciation of the speakers who were well received. Consideration of an annual event was also expressed. This could perhaps be linked in the future to International Women's Day.

- ✓ *Council has provided 12 months membership to the Women's Network NT for the three staff who attended the LGSA and LGMA SA: Women in Local Government Conference to provide them with further training and network opportunities. The membership also had provision for three other staff members to join and events provided through this membership are being actively taken up.*
- ✓ *The National Ambassadors are providing a final Report to the National Board for the 2010 Year of Women in Local Government.*

For my report to the National Board I have initially provided a copy of myDarwin and my January-September Report to Council. Feedback in regards to the first report and especially the initiative of Council accessing myDarwin to promote the 2010 YoWiLG, has been very positive.

Council is recognised by both the National Board and the Centre of Excellence for Local Government, as having fully promoted the Ambassador's roll in the 2010 Year of Women in Local Government and through its Gold Sponsorship support.

This Report will be my final contribution to the National Board, once it has been received and noted by Council.

Councils who have completed the requirements for the Bronze award can apply for Silver at any time. There is however an opportunity for Council to once again be in the initial group receiving the Silver Award providing aspects are satisfied in time for the first recognitions in this category which will be made in June; possibly at the ALGA Conference.

To be awarded Silver accreditation the following aspects need to be satisfied.

- ▶ Councils must achieve certification in three of the following areas
 - Commitment and leadership
 - Nomination and recruitment
 - Remuneration, recognition and training

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- Work and family balance
- ▶ And complete an on-line supportive culture survey

The Silver Award is central to the 50:50 Vision – Councils for Gender Equity Program, and is the Award with most opportunity to generate real change within Councils.

Also, and as an ongoing legacy from the 2010 YoWiLG, there is an opportunity for Council to demonstrate its commitment to gender equity by providing updated information through Council's 'Staff Overview Section' in the Annual Report.

I wish to thank Council for nominating me and for giving me the opportunity to be one of the National Ambassadors for the 2010 Year of Women in Local Government.

FINANCIAL IMPLICATIONS:

Council participated at the highest level as a Gold Partner in the 2010 YoWiLG. The \$2,000 sponsorship and other expenses during the 2010 YoWiLG came from the Operations Budget.

STRATEGIC PLAN IMPLICATIONS:

The issues addressed in this Report are in accordance with the following Goals/Strategies of the Darwin City Council 2008 – 2012 as outlined in the 'Evolving Darwin Strategic Directions: Towards 2020 and Beyond':-

Goal

1 Achieve Effective Partnerships and Engage in Collaborative Relationships

Outcome

1.2 Effectively engage with community

Key Strategies

1.2.2 Develop ways in which Council can enhance relationships and work collaboratively with Community Groups

1.2.3 Engage, communicate and consult with the community including schools.

LEGAL IMPLICATIONS:

NIL

PAGE: 7
REPORT NUMBER: 10TS0239PR
SUBJECT: UPDATE: FINAL REPORT 2010 YEAR OF WOMEN IN LOCAL GOVERNMENT
AND THE CONTINUING LEGACY.

ENVIRONMENTAL IMPLICATIONS:

NIL

PUBLIC RELATIONS IMPLICATIONS:

- Council has had an increased opportunity to promote the City of Darwin at a national and regional level at conferences and public events, by participation in the 2010 YoWiLG.
- Council has provided information in regards to career opportunities in Local Government to Council staff and secondary school students in the Darwin region.

COMMUNITY SAFETY IMPLICATIONS:

NIL

DELEGATION:

NIL

CONSULTATION:

- National Ambassadors group, the LGMA National Office and National Board, and the Centre of Excellence for Local Government.
- Chief Officers Group.

PROPOSED PUBLIC CONSULTATION PROCESS:

NIL

APPROPRIATE SIGNAGE

NIL

PAGE: 8
REPORT NUMBER: 10TS0239PR
SUBJECT: UPDATE: FINAL REPORT 2010 YEAR OF WOMEN IN LOCAL GOVERNMENT
AND THE CONTINUING LEGACY.

RECOMMENDATIONS:

THAT Report Number 10TS0239PR entitled, Update Final Report 2010 Year of Women in Local Government and the Continuing Legacy, be received and noted.

PAM ROBINSON
MANAGER CLIMATE CHANGE &
ENVIRONMENT

MARK BLACKBURN
EXECUTIVE MANAGER

Any queries on this report may be directed to Pam Robinson on 89300618 or Email p.robinson@darwin.nt.gov.au

15 OFFICERS REPORTS

15.2 Royal Show Sponsorship for 60th Anniversary - 2011 Report No. 11TC0015 MB:md (14/01/11) Common No. 1862401

Report Number 11TC0015 MB:md attached.

ENCL: YES

DARWIN CITY COUNCIL

DATE: 14/01/2011

REPORT

TO: 1ST ORDINARY COUNCIL/OPEN

APPROVED: MB

FROM: EXECUTIVE MANAGER

APPROVED: BD

REPORT NO: 11TC0015 MB:md

COMMON NO: 1862401

SUBJECT: ROYAL SHOW SPONSORSHIP FOR 60TH ANNIVERSARY - 2011

ITEM NO: 15.2

SYNOPSIS:

Council has received a request from the Royal Darwin Agricultural Society for sponsorship of the 60th Royal Darwin Show to be held 21st – 23rd July 2011. **(Attachment A).** This report recommends Council maintain its existing level of sponsorship of \$8,000.00 cash and \$8,000.00 in kind.

GENERAL:

In 2009, Council reduced its cash sponsorship for the Darwin Show fireworks from \$10,000.00 to \$8,000.00 and increased its in kind sponsorship to \$8,000.00. The Society has been required to meet the shortfall of (\$4,000.00) for staging of the fireworks.

2011 is the 60th Royal Darwin Show and the Royal Darwin Agricultural Society has request Council to consider to increase the cash component to \$20,000 and provide in-kind support for upgrade to the front entrance. This land is not Council land. It is on perpetual lease to the Agriculture Society of the Northern Territory.

The Darwin Show attracts between 45,000 – 50,000 people each year. It focus on community and educational and is one of Darwin's premier events. Darwin City Council receives significant acknowledgement of its sponsorship throughout the show.

Council continues to host a range of community activities in the Council marquee at the Darwin Show. The Darwin City Council receives numerous public acknowledgements for the free entertainment provided.

PAGE: 2
 REPORT NUMBER: 11TC0015
 SUBJECT: ROYAL SHOW SPONSORSHIP FOR 60TH ANNIVERSARY - 2011

Assessment below as per Council's criteria:

CRITERIA	COMMENT
Generally excluded: <ul style="list-style-type: none"> • Conference • Individual • Record attempt • Fundraiser 	N/A
Local/National /International	Local
Contribution to identity of City	Yes
Contribution to Economic Growth	Yes
Promotes Community Participation	Yes/High
Sector Business/Industry/economic/social/sporting/ environmental/cultural/educational	– Business/industry/educational
Branding and profile raising opportunities	Yes/Medium
Leverage via media or advertising	Yes/High
Leverage through attendance/staging/display/ Or complementary event	High
Sponsorship benefits	Yes/High
Audience reach	Yes/High
Consistency with Council's core business or Action Plan objectives	Yes
Capacity to deliver long term benefits	Yes
Organisational capacity to deliver event	Yes
Budget provided	yes

FINANCIAL IMPLICATIONS:

An amount of \$8,000 is included in the budget estimates for the 2011/2012 financial year.

STRATEGIC PLAN IMPLICATIONS:

The issues addressed in this Report are in accordance with the following Goals/Strategies of the Darwin City Council 2008 – 2012 as outlined in the 'Evolving Darwin Strategic Directions: Towards 2020 and Beyond':-

Goal

1 Achieve Effective Partnerships and Engage in Collaborative Relationships

Outcome

1.2 Effectively engage with community

PAGE: 3
 REPORT NUMBER: 11TC0015
 SUBJECT: ROYAL SHOW SPONSORSHIP FOR 60TH ANNIVERSARY - 2011

Key Strategies

1.2.2 Develop ways in which Council can enhance relationships and work collaboratively with Community Groups

Goal

6 Promote Brand Darwin

Outcome

6.1 Increase Council's profile

Key Strategies

6.1.1 Provide strategic sponsorship for major events

Goal

7 Demonstrate Effective, Open and Responsible Governance

Outcome

7.1 Effective governance

Key Strategies

7.1.3 Manage Council's affairs based on a sustainable financial strategy

LEGAL IMPLICATIONS:

Nil

ENVIRONMENTAL IMPLICATIONS:

Nil

PUBLIC RELATIONS IMPLICATIONS:

Darwin City Council has opportunity to promote within the Royal Darwin Show. Council hold a very successful stand that is well supported by attendees.

COMMUNITY SAFETY IMPLICATIONS:

Nil

DELEGATION:

Nil

PAGE: 4
 REPORT NUMBER: 11TC0015
 SUBJECT: ROYAL SHOW SPONSORSHIP FOR 60TH ANNIVERSARY - 2011

CONSULTATION:

Conversations have been held with Mrs Cherry Court, Chief Executive Officer of the Royal Agricultural Society of the Northern Territory Inc.

PROPOSED PUBLIC CONSULTATION PROCESS:

Nil

APPROPRIATE SIGNAGE

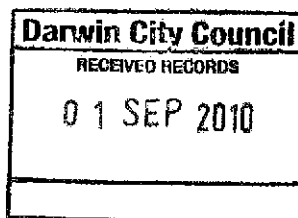
RECOMMENDATIONS:

- A. THAT Report Number 11TC0015 entitled, Royal Show Sponsorship for 60th Anniversary - 2011, be received and noted.
- B. THAT Council support "in principal" a cash contribution for the Sponsorship of the 60th Anniversary of the Royal Darwin Show 2011 for \$8000.00 and this matter be referred to the 2011/2012 budget estimates.
- C. THAT Council provide in-kind support to the value of \$8,000.00 and this matter be referred to the 2011/2012 budget estimates.

MAXINE DOWLEY
EVENTS CORDINATOR

MARK BLACKBURN
EXECUTIVE MANAGER

Any queries on this report may be directed to Maxine Dowley on 89300684 or m.dowley@darwin.nt.gov.au



ATTACHMENT A

25th August 2010

 60th Royal Darwin Show 2011

The Rt Worshipful the Lord Mayor of Darwin
 Mr Graeme Sawyer
 Darwin City Council
 GPO Box 84
DARWIN NT 0801

Dear Graeme

Re:60th Royal Darwin Show – 21st to 23rd July 2011

I am writing to enlist the support of the Darwin City Council for the 2011 Royal Darwin Show – its Diamond Jubilee event.

This is a major milestone for both the Darwin Show and the wider community. The Darwin Show has been part of the fabric of the Northern Territory since its first event in 1951 and has grown considerably over the years. This would not have been possible without the support of many organizations, associations and community groups.

In the past the Council has provided sponsorship in the amount of \$10,000 to help fund the fireworks. The amount of funds contributed last year by the Council was reduced to \$8000 and the Society paid the shortfall. The cost of staging the fireworks has increased gradually over the past few years.

The Council has also provided in-kind support which is greatly appreciated.

We are hoping this year the Darwin City Council will increase its funding both in cash and in kind to assist the Show Society in staging a memorable Diamond Show.

It would be appreciated if you would give consideration to increasing the cash component to \$20,000 and provide in-kind support for a much needed project to upgrade the front entrance. Suitable bent rail fencing is needed along the Stuart Highway to prevent motorists from trying to leave the parking lots directly onto the Highway over the kerbing. Each year the Society erects temporary fencing as a safety measure however a permanent barrier is a much more desirable option. The old weighbridge area utilized by buses, taxis and hire cars is in great need of repair and Council assistance to upgrade this area would be greatly appreciated.

We appreciate that you might like to discuss Council involvement in more detail and both the President Mrs Pam Hamill and the writer would be happy to meet with you at a convenient time.

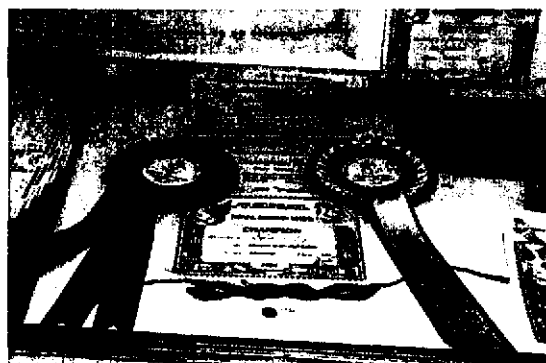
I look forward to hearing from you in the near future.

Yours sincerely
Royal Agricultural Society NT Inc


 Cherry Court
 Chief Executive
ROYAL AGRICULTURAL SOCIETY OF THE NORTHERN TERRITORY INC.

Darwin Showgrounds & Exhibition Centre • 1 Tate Place Winnellie NT 0820
 PO Box 39600 Winnellie NT 0821 • Phone: (08) 8984 3091 • Fax: (08) 8984 3563
 Email: admin@darwinshow.com.au • Website: www.darwinshow.com.au





Doing Business at the Show

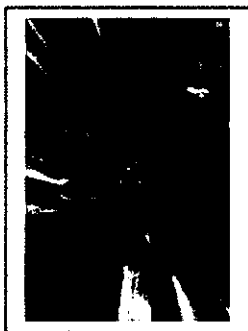
The Royal Darwin Show is one of the longest running events on the Northern Territory Community calendar. It has retained its relevance and popularity over 59 years to become a much loved annual event attended by all sections of the community.

The annual Show provides:

- Residents of Darwin and its environs with an opportunity to come together and share entertainment and an educational experience.
- Producers and service providers – both private and government - with an opportunity to showcase their product or service to a wide cross section of the NT community.
- An opportunity for producers and businesses to showcase their products and services. There is also an opportunity for many sectors of the community from urban and rural, to recreation, business, professional and amateur to compete and exhibit. There is a strong element of education involved, with the Show providing people with an awareness and understanding of different lifestyles, products, services, horticulture, animals and the like
- Urban residents with a rural lifestyle experience and an appreciation of the rural lifestyle. People in rural communities come to Shows to showcase their produce and have a social experience.
- An opportunity to develop business links between rural and urban producers and service providers.

ROYAL DARWIN SHOW

'Share the Experience'



The Royal Agricultural Society NT Inc is a community based organisation that has existed in Darwin for 59 years

The RASNT organises the annual Royal Darwin Show the premier agricultural show in the NT and the largest community event. It annually attracts attendance of 45 to 50,000 over the three days it is held.

Community support is evidenced by the many stallholders, clubs, associations and businesses which participate. In 2011 we celebrate our 60th show

The Royal Darwin Show is a unique blend of elements with four main focuses. These are showcase, competition, education and entertainment. It is family oriented and strongly focused on providing a 'value for money' event which caters for all sections of the community.

It provides an important **showcase** for the many businesses, government departments and individuals in the Northern Territory and wider community.

The Show provides **competition** at a high level. A blue ribbon from the show is an acknowledgement that the recipient's stud bull, produce, poultry or horse is the best in the NT. Where relevant this may be translated to dollars in the market place – the ribbon or trophy highlights the quality of the exhibit.

While the show gives exhibitors an opportunity to compete with the best on offer, just as importantly it gives them the opportunity to interact with other exhibitors and judges, exchanging information and knowledge. This **education** experience is extended to many areas of the show from primary industry to latest technology.

The Animal Nursery for example, allows adults and children to have the opportunity of a safe 'up close and personal' experience with many different animals. They are able to handle, pet and observe the exhibits while gaining information about the habits, requirements and safe handling of the animals. For many patrons this may be the only opportunity they have to enjoy such an experience.

In addition the show provides great **entertainment** for the whole family. The Society aims to provide a mix of entertainment for all age groups. This variety includes main arena acts, live music and dance, street style such as jugglers and magicians, rodeo and rural skills and of course sideshow rides for the adventurous.

Last but not least the Darwin show provides unlimited opportunity for participants, sponsors and exhibitors to reach a very large cross section of the community with comparative ease over a three day period. The opportunities for networking are vast.

Chief Executive Officer

15 OFFICERS REPORTS

15.3 Australian Hotels Association NT Branch – Appeal of Council’s Decision – Outdoor Dining Policy

Report No. 11C0042 JB:kl (22/03/11) Common No. 370508

Report Number 11C0042 JB:kl attached.

ENCL: YES

DARWIN CITY COUNCIL

DATE: 22/03/2011

REPORT

TO: 2nd ORDINARY/OPEN

APPROVED: JB

FROM: GENERAL MANAGER COMMUNITY &
CULTURAL SERVICES

REPORT NO: 11C0042 JB:kl

COMMON NO: 370508

SUBJECT: AUSTRALIAN HOTELS ASSOCIATION NT BRANCH – APPEAL OF
COUNCIL'S DECISION – OUTDOOR DINING POLICY

ITEM NO: 15.3

SYNOPSIS:

This report is presented to Council in accordance with previous resolutions in respect to a request from the Australian Hotels Association NT Branch (AHA NT) to vary Council's Outdoor Dining Policy in a manner that removes the necessity to serve food and to be seated within a portion of the Outdoor Dining Area, so as to enable patrons to smoke within the area.

Consideration of this matter has become necessary following the introduction of the Tobacco Control Act.

This report provides copies of submissions received from the AHA NT, the NT Police, and The Hon Kon Vatskalis MLA, Minister for Health.

It is recommended that Council retains the existing Outdoor Dining Policy that requires patrons consuming alcohol to be seated and provided with meals at designated times.

Discussion

It will be noted that this matter has been the subject of considerable discussion and review over a period of time. The views expressed by the AHA NT are understood and appreciated, however the original recommendation is resubmitted for confirmation.

In addition to those matters described in previous reports the following matters have been considered in submitting the recommendation.

- That any potential changes to Council's Outdoor Dining Policy should be considered in a long term public policy context.

PAGE: 2
 REPORT NUMBER: 11C0042 JB:kl
 SUBJECT: AUSTRALIAN HOTELS ASSOCIATION NT BRANCH – APPEAL OF COUNCIL'S DECISION – OUTDOOR DINING POLICY

- That so far as possible any potential changes to the Council's Outdoor Dining Policy should not conflict or create anomalies with other Council Policies and be consistent with the Evolving Darwin Strategic Directions.
- That in considering potential changes to Council's Outdoor Dining Policy to facilitate smoking regard is given to local, national and international trends in respect to public smoking.

ATTACHMENTS

Australian Hotels Association NT Branch letter 10 March 2011 – (**Attachment A**)
 The Hon Kon Vatskalis MLA, Minister for Health letter 7 March 2011 (**Attachment B**)
 The Hon Kon Vatskalis MLA, Minister for Health letter 23 December 2010 (**Attachment C**)
 Department of Justice letter 20 December 2010 (**Attachment D**)
 Assistant Commissioner letter 13 December 2010 (**Attachment E**)
 ABC News (**Attachment F**)
 An overview of the process – (**Attachment G**)
 Previous Report 10C0033, 8/3/2010 – (**Attachment H**)
 Copy of Tobacco fact sheet Licensed Premises – (**Attachment I**)
 Copy of fact sheet un-licensed premises – (**Attachment J**)

PREVIOUS DECISIONS

Decision No.20\3537 (14/12/10)

- A. THAT Report Number 10C0158 JB:kl entitled, Australian Hotels Association NT Branch – Appeal of Council's Decision – Outdoor Dining Policy, be received and noted
- B. THAT Council write to the Minister for Racing, Gaming and Licensing expressing concern about the lack of consultation with Council in respect to the Tobacco Control Act Regulations and the potential implications for Council's Outdoor Dining Policy.
- C. THAT following the release of the Tobacco Control Act Regulations a report be prepared in respect to any suggested amendments to Council's Outdoor Dining Policy with specific reference to any public safety considerations.
- D. THAT for the period from the 2nd January 2011 until the 4th April 2011 the current Outdoor Dining Permit conditions be varied in respect to the alfresco dining area which a licensee designates for smoking (“**outdoor smoking area**”) by the waiver of the requirement that meals should be available on request in the outdoor smoking area only.
- E. THAT the interim nature of the policy change be indicated on signage at effected venues.

PAGE: 3
 REPORT NUMBER: 11C0042 JB:kl
 SUBJECT: AUSTRALIAN HOTELS ASSOCIATION NT BRANCH – APPEAL OF COUNCIL'S DECISION – OUTDOOR DINING POLICY

Previous Decision No. (30/11/10)

- A. THAT Council note that a report will be prepared for the 14 December 2010 Ordinary Council Meeting in relation to Australian Hotel Association (AHA) NT Tobacco/Smoking Regulations and Alfresco Outdoor Dining.
- B. THAT this decision be moved into Open.

Previous Decision No. 20\3342 (26/10/10)

- A. That the presentation from the Australian Hotels Association NT Branch, in relation to Council's Outdoor Dining Policy, be received and noted.
- B. That Council meet with representatives from the Australian Hotels Association NT Branch, Northern Territory Government and the Northern Territory Licensing Commission to review the proposed Northern Territory Government Tobacco Control Regulations and Council's Outdoor Dining Policy.
- C. That a further report be prepared on Council's Outdoor Dining Policy for the 2nd Ordinary Meeting in November 2010.

Previous Decision No. 20\3209 (14/9/10)

That this item lay on the table until a presentation is made to Council by the Australian Hotels Association NT (AHA NT)

Previous Decision No. 20\2825 (25/5/10)

- A. That Report Number 10C0061 JB:kl entitled, overview of NT Government Tobacco Legislative Reform and its Implications for Council's Outdoor Dining Policy, be received and noted.
- B. That Council retains the existing Outdoor dining Policy which requires that patrons consuming alcohol are required to be seated.
- C. That Council writes to the Director of Colemans Group and the operator of Shenannigans declining his request to amend Council's Outdoor Dining Policy.

Previous Decision No. 20\2544 (16/3/10)

THAT this matter lay on the table until Council receives a submission from the NT Branch of the Australian Hotel Association (AHA).

PAGE: 4
 REPORT NUMBER: 11C0042 JB:kl
 SUBJECT: AUSTRALIAN HOTELS ASSOCIATION NT BRANCH – APPEAL OF COUNCIL'S DECISION – OUTDOOR DINING POLICY

Previous Decision No. 20\2354 (15/12/09)

Shenannigans Irish Pub – Alfresco Dining Permit

THAT this item lay on the table pending a review of Council's Alfresco Dining Policy (Policy No. 11) in light of changes to smoking laws which are being introduced by the Northern Territory Government.

FINANCIAL IMPLICATIONS:

Nil.

ACTION PLAN IMPLICATIONS:

The issues addressed in this Report are in accordance with the following Goals/Strategies of the Action Plan of the Darwin City Council 2004 - 2008:

Goal

1 Achieve Effective Partnerships and Engage in Collaborative Relationships

Outcome

1.1 Improve relations with all levels of Government

Key Strategies

1.1.4 Play a strategic role in the planning and developmental processes that impact Darwin

Goal

7 Demonstrate Effective, Open and Responsible Governance

Outcome

7.1 Effective governance

Key Strategies

7.1.6 Develop contemporary management policies and by-laws

LEGAL IMPLICATIONS:

Various matters related to the Tobacco Control Act, Local Government Act, Darwin City Council by-laws and Council's Outdoor Dining Policy.

ENVIRONMENTAL IMPLICATIONS:

Nil.

PAGE: 5
 REPORT NUMBER: 11C0042 JB:kl
 SUBJECT: AUSTRALIAN HOTELS ASSOCIATION NT BRANCH – APPEAL OF COUNCIL'S DECISION – OUTDOOR DINING POLICY

PUBLIC RELATIONS IMPLICATIONS:

Could be positive or negative.

This is a matter in which Council is responding to legislative changes in consideration of the views expressed by a range of stakeholders including the AHA NT.

The evidence indicates that no smoking requirements are generally positively received, however the lack of clarity and complexity associated with Outdoor Smoking Areas within Liquor Licensed premises may associate Council.

COMMUNITY SAFETY IMPLICATIONS:

A preliminary review of the public safety matters following the introduction of similar anti-smoking legislation interstate has not yet identified a consequent increase in crime.

DELEGATION:

Nil

CONSULTATION:

Australian Hotels Association NT Branch
 Licensing Regulation and Alcohol Strategy
 NT Police
 Chief Officers Group

PROPOSED PUBLIC CONSULTATION PROCESS:

Consultation with key stakeholders to be undertaken following identification of any proposed policy changes.

APPROPRIATE SIGNAGE

As required by legislation.

PAGE: 6
REPORT NUMBER: 11C0042 JB:kl
SUBJECT: AUSTRALIAN HOTELS ASSOCIATION NT BRANCH – APPEAL OF
COUNCIL'S DECISION – OUTDOOR DINING POLICY

RECOMMENDATIONS:

THAT it be a recommendation to Council:-

- A. THAT Report Number 11C0042 JB:kl entitled, Australian Hotels Association NT Branch – Appeal of Council's Decision – Outdoor Dining Policy, be received and noted.
- B. THAT Council retain the existing Outdoor Dining Policy that requires patrons consuming alcohol to be seated and provided with meals at designated times.

JOHN BANKS
GENERAL MANAGER
COMMUNITY & CULTURAL SERVICES

Any queries on this report may be directed to John Banks on 8930 0633 or
j.bank@darwin.nt.gov.au



Northern Territory Branch AUSTRALIAN HOTELS ASSOCIATION

Telephone: (08) 8981 3650 Facsimile: (08) 8981 5754
20/24 Cavenagh Street Darwin Northern Territory 0800
GPO Box 3270 Darwin Northern Territory 0801
admin@ahant.com.au
www.ahant.com.au

10 March 2011

Mr John Banks
General Manager
Community & Cultural Services
Darwin City Council
GPO Box 84
DARWIN NT 0801

Copy: Mr Brendan Dowd
Chief Executive Officer
Darwin City Council

Dear John,

Alfresco Dining Permit Policy Changes to the Tobacco Control Act and Regulations

Thank you for the opportunity to address the full Council on 26 October 2010 regarding potential changes to the Alfresco Dining Permit Policy ("**the Policy**") due to smoking reforms that took effect on 2 January this year. We also appreciate your time on 24 February 2011 to meet with myself, Mick Burns and Justin Coleman regarding the fresh report to Council on this matter.

As we mentioned in that meeting, Darwin CBD hotels have been placed in a precarious position due to changes to the *Tobacco Control Act* and Regulations by the Northern Territory Government.

The effect of the changes that took effect on 2 January mean that only an area which is less than 50% of a hotels or clubs entire outdoor area can be designated for smokers ("**smoking area**"). Further, under the new laws meals are not permitted to be served or consumed within the smoking area.

This has had a dramatic effect on these businesses. Smokers tend to stay away from licensed venues and a lot less meals are being consumed making kitchen viability very difficult.

As well as the high Australian dollar, significant downturn in visitors to the NT and general financial uncertainty locally, licensed venues (as well as many other retailers)

are currently suffering a very difficult time in trade. In fact, our industry is experiencing the worst trading conditions for a very long time.

The AHA (NT) and affected members request that Council consider very minor amendments to the current Alfresco Dining Policy to overcome the problems faced by licensees due to the new laws enacted by the Northern Territory Government. It is our view that many of the problems being experienced by licensees can be alleviated without jeopardising Council's original concept for alfresco dining.

The AHA (NT) is not requesting any changes to the Alfresco Dining Policy which would alter the appearance or concept of alfresco dining areas under the current Policy. It is important to the industry that Mitchell Street and the greater Darwin CBD maintain its position as a vibrant, enjoyable and family friendly destination for locals and tourists alike.

Current Alfresco Dining Policy

The Policy currently provides the following in respect to the alfresco area:

"Service of alcohol *without a meal* is permitted during the period 11.30am until 2.00am provided the following criteria are met:

- (1.) patrons shall only consume alcohol whilst seated at a table (bar stools and raised tables will not be approved);
- (2.) the alfresco area is clearly delineated;
- (3.) adjacent footpaths are controlled in such a manner as to minimise disruption to the public;
- (4.) substantial meals and non-alcoholic drinks will be available on request;
- (5.) the area is to at all times have the appearance of and trade; predominantly as an outdoor dining area;
- (6.) noise levels shall be limited to a level which would not cause unreasonable disturbance to the amenity of the ordinary residents of any nearby residential property.

What changes to Alfresco Dining Permit Policy are we asking for?

We are seeking minor amendments to (1.) and (4.) above but only in respect to the smoking area. This means that any changes to the Policy will only affect less than 50% of the entire alfresco area.

Accordingly the above remain 'as is' for any alfresco area where smoking is not permitted. *Where smoking is permitted* we suggest the following amendments:

- (1.) patrons may ~~shall only~~ consume alcohol whilst seated at a table or standing at a raised table (bar stools and raised tables will ~~not~~ be approved on a case by case basis so long as it is keeping with the alfresco dining concept). Patrons are permitted to stand on the proviso that table seating for at least 80% of the permitted patron capacity for the area must be available at all times.*
- B(4.) pre-packaged food ~~substantial meals~~ and non-alcoholic drinks will be available on request;

* This position is in line with current liquor licence for The Deck Bar on Mitchell Street and approved by the Licensing Commission.

The AHA (NT) submits that the current Policy be maintained for the alfresco area which is smoke-free (ie, more than 50% of the entire alfresco area) and the minor amendments only apply to that area where a licensee can designate an outdoor smoking area which would be less than 50% of the alfresco area. This will ensure that the current aesthetics and functionality of the alfresco areas is maintained as outdoor dining areas.

Why are we asking for these changes?

The AHA (NT) is asking for these changes due to the significant impact that the Northern Territory Government laws have on the affected licensed businesses and to avoid the unintended consequences of those laws.

From 2 January 2011, licensed venues must ensure that at least 50% of their outdoor areas are smoke-free. The outdoor smoking areas are subject to the following restrictions:

- (a) meals cannot be consumed (pre-packaged food will be permitted);
- (b) entertainment is limited; and
- (c) smoking areas must not be of any greater amenity than any other outdoor area.

The direct affect of (a) above means that venues with alfresco dining areas will not be able to cater for smokers because of the current requirement in the Policy that meals must be available at all times (see B(4.) above).

Smokers will then only be able to smoke on footpaths in front of licensed premises (directly adjacent to alfresco dining areas). Not only will this likely result in non-smoking alfresco diners being subject to greater environmental tobacco smoke than they would be if there was a separate smoking area within the licensed venue, but even more importantly patrons congregating on the street footpaths is a significant risk to public safety.

The Northern Territory Police has written to Council expressing their concerns regarding public safety as a result of crowding on the footpaths and a copy of their letter is **attached**.

Not only will it cause some congestion issues on the footpath for pedestrians but it is also likely to cause a dangerous traffic hazard as people may step out onto the street if the footpath is congested. Pushing people out onto the street will impose greater pressure on already stretched Police resources.

Allowing patrons to smoke within a the boundaries of licensed venue will mean that Council will *maintain the primary role and function of the footpath as a public thoroughfare for pedestrians* and not a place for people to congregate to smoke, pursuant to Council's Central Darwin Streetscape Strategy.

Questions identified by General Manager Community & Cultural Services

The General Manager Community & Cultural Services, John Banks, suggested we respond to the following questions he raised in his report to Council on 6 December 2010.

What impacts do the potential changes have on the objectives of the outdoor dining policy?

Very little impact will result from the above minor changes to the Policy. Firstly, the change is only applicable to a handful of hotels in Darwin CBD. Restaurants' alfresco dining areas will not change because their liquor licence conditions (unlike a hotel's) do not permit the sale of alcohol without a meal.

I note that the Council's current exemption for the provision of a meal in alfresco dining areas has been in place for the past 2 months and there has been no change to the aesthetics or functionality of the alfresco areas as dining areas.

Are there implications for the future development applications with the central business district and / or throughout Darwin?

Given the current climate, it is extremely unlikely a hotel licence will be issued in the Darwin CBD for some time and in our view this can be dealt with on a case by case basis into the future.

This current request for a change in Policy is about managing change. Our patrons (and indeed most people) do not change long ingrained habits overnight. The recent smoking reforms are another step towards "denormalising" smoking. Smoking will not be denormalised overnight and small business should not be unfairly punished in this gradual educative change of behaviour.

The current exemption provided by the Northern Territory Government to allow for smoking within licensed venues (albeit the exemption is limited) is extremely important to protect small businesses from significant adverse business risk.

The small businesses who are currently licensing alfresco areas from Council are asking for the same protection from Council – they need Council's assistance to manage the change from a smoking environment to a limited smoking environment. No doubt in due course, there will be a non-smoking environment when the community is ready.

Is it possible or practical to change the Outdoor Dining Policy to facilitate patrons to stand, drink and smoke and maintain the appearance of outdoor dining?

With the minor changes we are requesting, there will be no real change to the appearance of outdoor dining.

At least 50% of the alfresco dining area will be smoke-free on the current conditions and conditions of the Policy will not change in respect to that area both in regards to meals and seating requirements.

With seating required for at least 80% of patron capacity in the outdoor smoking area, this will mean that overwhelmingly, patrons will need to be seated in the smoking

area. This very small leeway will assist licensees to ensure they are not in breach when seats are not available in the smoking area and patrons have come out from inside the venue for a quick cigarette before heading back inside.

Therefore, despite the minor changes to the policy, the alfresco area will continue to have the appearance of, and trade predominantly as, an outdoor dining area in accordance with the current policy.

Do the potential changes conflict with other Council policies in respect to alcohol or tobacco?

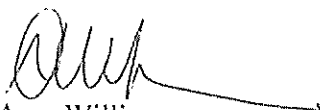
Prior to 2 January this year, it is extremely important to note that Council had no policy against smoking in alfresco dining areas, on footpaths or in streets. The only change on 2 January was introduction of the Northern Territory Government's new smoking reforms which prohibit eating meals in smoking areas but do not prohibit smoking entirely in outdoor areas of hotels and clubs.

Unfortunately, the hotels in this case are bearing the brunt of Government decisions that have not taken into account some of the unintended consequences of these new laws such as how they might conflict with Council's alfresco dining policy.

Ironically, even although the Government provided important exemptions under the new laws to allow for smoking in hotels to alleviate some of the significant negative financial impact that smoking reforms have on licensed venues, the effect of these laws in circumstances where licensees are utilising Council land, this exemption will have not have any effect.

Please contact me if you have any queries regarding our submission or to discuss this matter generally.

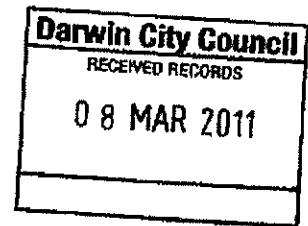
Yours sincerely,



Amy Williamson
Chief Executive Officer



THE HON KON VATSKALIS MLA
MINISTER FOR HEALTH



Parliament House
State Square
Darwin NT 0800
minister.vatskalis@nt.gov.au

GPO Box 3146
Darwin NT 0801
Telephone: 08 8901 4118
Facsimile: 08 8901 4119

The Right Worship the Lord Mayor
Mr Graeme Sawyer
Darwin City Council
GPO Box 84
DARWIN NT 0801

Dear Lord Mayor

I refer to correspondence from the Acting Lord Mayor, Ms Heather Sjoberg, dated 17 December 2010, advising me of Darwin City Council's (DCC) decision to temporarily waive its Alfresco Dinning Policy requirement that meals be available on request in an outdoor smoking area.

I also note the Council resolution to write to the Minister for Racing, Gaming and Licensing expressing concern about the lack of consultation on the amendments to the tobacco control legislation.

As you may recall, you first raised the issues regarding the divergence between DCC's Alfresco Dining Policy and the *Tobacco Control Act* (TCA) amendments on 15 December 2009 during a Capital City Committee meeting. Your officers were subsequently briefed about the TCA amendments and implications for DCC by the Department of Health on 17 December 2009, during a meeting between senior Alcohol and Other Drugs Program (AODP) staff and Mr John Banks, Manager of Community and Cultural Services for DCC. Following this initial briefing, consultation has been ongoing at the policy officer level between AODP and the DCC Principal Policy and Senior Community Development Officers.

Importantly, DCC needs to be aware that while a divergence between its policy and the tobacco control legislation exists, a similar conflict also exists for licensed premises that are subject to licence conditions which only permit the consumption of alcohol in conjunction with a meal. A licensee is not required to provide a smoking area and should they choose to do so, the onus to manage the dichotomy of the tobacco control legislation, council policy and the licensing conditions is the responsibility of the licensee.

- 2 -

The conditions for outdoor smoking areas were subject to a lengthy detailed consultation process with the AHA-NT and are consistent with the overall Northern Territory Government strategy, to protect all Territorians from the harms associated with smoking by extending the current smoke free public areas.

Should you require any further information on the amendment to the *Tobacco Control Act* please do not hesitate to contact Mr Warwick Kneebone, Coordinator Tobacco Policy Enforcement and Education, on (08) 8999 2661 or via warwick.kneebone@nt.gov.au.

Yours sincerely

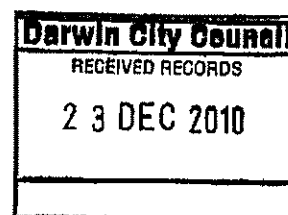


KON VATSKALIS

07 MAR 2011



THE HON KON VATSKALIS MLA
MINISTER FOR HEALTH



Parliament House
State Square
Darwin NT 0800
minister.vatskalis@nt.gov.au

GPO Box 3146
Darwin NT 0801
Telephone: 08 8901 4118
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Dear Business Owner

I am pleased to advise you that earlier this year the Administrator of the Northern Territory assented to the *Tobacco Control Legislation Amendment Bill*. These new laws passed through the Northern Territory Legislative Assembly in June with bipartisan support, and will see important changes to the ways in which tobacco products are sold and where smoking is permitted in public places.

An important aspect of the new laws is the extension of the current restrictions on smoking in enclosed public areas to all public outdoor eating and drinking areas. Outdoor eating and drinking areas include any outdoor public place provided for the consumption of food or drink, or where a person would expect to be able to consume food or drink provided by an on-site food service. The smoke free arrangements will therefore affect a smoking ban on all outdoor cafés, restaurants and seating areas established for food courts, takeaway outlets and kiosks.

The ban on smoking in outdoor eating and drinking areas will commence on 2 January 2011. I will ensure that a commonsense approach is taken in the implementation of these new restrictions, and I have attached to this letter a fact sheet to help answer some of the questions that you may have about how this affects you.

To further assist the implementation of the new restrictions on smoking in outdoor eating and drinking areas, the Department of Health and Families will be running a comprehensive public awareness campaign over the next six weeks to ensure the public is aware of the new laws.

These new laws are an important initiative for the Northern Territory given that we continue to have the highest smoking rates in the country, and smoking remains the single greatest cause of death and disease for Territorians each year. I understand smoking can be difficult habit to kick and Government is committed protecting families from the harms of tobacco smoke and supporting any person who makes the important decision to quit smoking and improve their health.

The risks from exposure to other people's smoking are well established. Environmental tobacco smoke kills at least 220 Australians a year, causes cancer, heart disease, respiratory disease and much more, and contains more than 130 toxic chemicals banned as unsafe in most workplaces.

For this reason I am also pleased to announce that the new laws ensure that any business providing a public area will be able to voluntarily ban smoking in that area prior to the commencement of the new laws on 2 January 2011, and this will be enforceable as a smoke free area under the *Tobacco Control Act*.

The introduction of smoke free areas in all outdoor eating and drinking areas will separate smoking from key outdoor public areas and provide protections for the staff and public that use those areas. Smoke free areas are an important measure to reduce smoking rates

because they help discourage and denormalise smoking, reduce access to smoking and lead to increased attempts to quit.

If you require any further information on the new laws or the implementation process, please do not hesitate to contact the Department of Health and Families via the Tobacco Hotline (toll free) 1800 888 564, e-mail Smokefree.DHF@nt.gov.au; or visit the website for copies of the fact sheet and other information at www.smokefree.nt.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Kon Vatskalis', written over a horizontal line.

KON VATSKALIS



Northern
Territory
Government

DEPARTMENT OF JUSTICE

www.nt.gov.au

Licensing Regulation and Alcohol Strategy

Enterprise House

28-30 Knuckey St, Darwin NT 0800

Postal address GPO Box 1154

Darwin NT 0801

Tel (08) 8999 1314

Fax (08) 8999 1888

Email lr.doj@nt.gov.au

Our ref: DOC2010/4056

Mr John Banks
General Manager, Community & Cultural Services
Darwin City Council
GPO Box 84
DARWIN NT 0801

Dear Mr Banks

Re: DARWIN CITY COUNCIL'S OUTDOOR DINING POLICY

Thank you for your letter of 15 December 2010 where you advised that the Council has written to the Minister for Racing, Gaming and Licensing expressing concerns about the lack of consultation on recent amendments made to the *Tobacco Control Act and Regulations*.

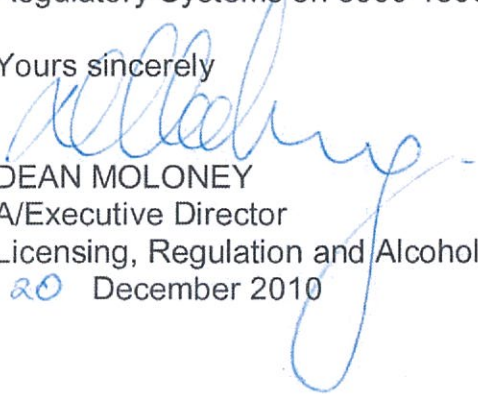
I write to inform you the amendments to the Act and Regulations is an initiative of the Department Health and Families and the responsible Minister is the Hon. Mr. Kon Vatskalis MLA. The Department of Health and Families also has the responsibility for the consultation process with effected stakeholders as well as the provision of public information.

The Minister for Racing, Gaming and Licensing has responsibility for certain licensing and regulation aspects as well as ensuring compliance of the Act and Regulations.

I acknowledge the variation to the Council's Outdoor Dining Policy for the period 2 January – 4 April 2011 and commit to working with you and the Department of Health and Families to address any issues relating to smoking and eating in alfresco dining areas.

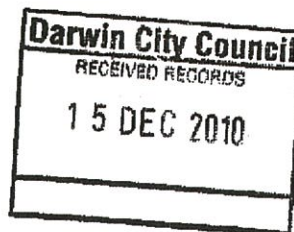
If you have any questions regarding this matter, please contact Karen Avery, Director Regulatory Systems on 8999 1806.

Yours sincerely


DEAN MOLONEY
A/Executive Director
Licensing, Regulation and Alcohol Strategy
20 December 2010



ASSISTANT COMMISSIONER
GREATER DARWIN



: Your Ref

: Our Ref

Mr John Banks
General Manager Community & Cultural Services
Darwin City Council
Darwin NT 0801

Dear John,

With respect to the proposed Alfresco Dining Policy the Northern Territory Police have identified the following areas of concern for consideration;

- Licensees may have to chose between offering an outside smoking area or an Alfresco dining area, potentially impacting on both the licensed premises and any public places in their immediate vicinities;
- Should Outdoor Smoking Areas (OSA's) not be contained within the boundaries of a Licensed Premises a likely outcome may be patrons attempting to sneak alcoholic beverages outside of the licensed premises and into public places. Persons who have consumed alcohol will congregate in public areas such as footpaths and nature strips, potentially affecting the safe flow of pedestrian and vehicular traffic when heavily congested; and
- Policing experience identifies that as people consume alcohol their regard for personal safety, liquor legislation and the ability to tolerate others in crowded areas significantly diminishes. Creating such environments is likely to lead to an increase in antisocial behaviours including physical and verbal abuse as well as an increased risk of pedestrian traffic accidents occurring should these incidents spill out onto adjacent roadways.

In light of these concerns I recommend further consideration be given to patrons who smoke while they consume liquor and that smoking areas should be confined to licensed premises where the situation can be adequately monitored and contained.

Yours sincerely

Mark Payne
Assistant Commissioner
Greater Darwin

13 December 2010



No smoking break for Darwin cafes

By Rick Hind

Posted Fri Feb 11, 2011 2:36pm AEDT

Cafe owners in Darwin say the new smoking laws give pubs an unfair advantage, because their patrons can smoke while drinking a coffee.

• [Map: Darwin 0800](#)

Christian McElwee owns a Darwin cafe and says the new laws ban smoking in all food service areas which means no-one can light up inside or outside his cafe.

But he says the pub next door can sell coffee in its smoking area.

Mr McElwee says he's already seen a big drop in his business.

"Any other pub could do the exact same if they wanted to as well because they've all got liquor licences," Mr McElwee said.

"So pretty much if every pub decided to open at 7am and sell coffee and they can advertise like they can sit here and have a smoke in the morning and it would pretty much destroy all the small little businesses and cafes along the street that can't get a liquor licence."

Another cafe owner in Darwin, Paul Costigan, says he's losing business because of the new law and the Northern Territory Government has tilted the playing field in favour of pubs.

"The government has been wholly cynical in not providing a level playing field and has in fact given into the power of the Australian Hotels Association," Mr Costigan said.

But Warwick Kneebone from the Health Department said it was unlikely coffee drinkers would want to spend the morning in a pub.

"The legislation is achieving what it's intended to, in that a number of people aren't any longer sitting down at a cafe and having their breakfast and having a number of cigarettes and that moves them a step closer to quitting," Mr Kneebone said.

Tags: [health](#), [smoking](#), [australia](#), [nt](#), [darwin-0800](#)

[MORE stories from Northern Territory](#)



16 March 2010	Report 10C0033, 8/3/10 entitled Overview of NT Government Tobacco Legislative Reform and its Implications for Council's Outdoor Dining Policy	Submitted to the 1 st Ordinary meeting held on 16/3/10.
16 March 2010	Council Decision No. 20/2544	That this matter lay on the table until Council receives a submission from the NT Branch of the Australian Hotel Association (AHA).
22 March 2010	John Banks & Amy Williamson meet	Discuss Tobacco Legislation & Outdoor Dining
21 April 2010	Email from John Banks to Amy Williamson, AHANT	Advises that Council is going to consider outdoor dining and tobacco legislation in May and asks if AHA is going to put in a submission.
21 April 2010	Email from Amy Williamson, AHANT to John Banks	Advises that AHANT intends to put in a submission
29 April 2010	Letter from AHANT	Requests for Change to Council's Alfresco Dining Policy - Tobacco Control Reform
10 May 2010	Report 10C0061, 5/5/10 entitled Overview of NT Government Tobacco Legislative Reform and its Implications for Council's Outdoor Dining Policy	Submitted to the Community & Cultural Services Committee meeting held on 10/5/10
25 May 2010	Council Decision No. 20\2825	That Council retains the existing Outdoor Dining Policy which requires that patrons consuming alcohol are required to be seated. That Council writes to the Director of Colemans Group and the operator of Shenannigans declining his request to amend Council's Outdoor Dining Policy.
28 May 2010	DCC Letter to AHANT	Advises Council's decision. CC'd to Mr Justin Coleman

ENCL: YES

DARWIN CITY COUNCIL

DATE: 8/3/2010

REPORTTO: 1st ORDINARY COUNCIL/OPEN

APPROVED: JB

FROM: GENERAL MANAGER COMMUNITY &
CULTURAL SERVICES

APPROVED: AF

REPORT NO: 10C0033 AF:kl

COMMON NO: 370508

SUBJECT: OVERVIEW OF NT GOVERNMENT TOBACCO LEGISLATIVE
REFORM AND ITS IMPLICATIONS FOR COUNCIL'S OUTDOOR
DINING POLICY

ITEM NO:**SYNOPSIS:**

This report provides Council with an overview of the NT Government's legislative changes to the Tobacco Control Regulations and the implications, if any, for the administering of Council's Outdoor Dining Policy.

GENERAL:

Exemptions to indoor smoking bans for licensed premises ceased on January 2 2010 as a result of changes to the *Tobacco Control Regulations* on December 14 2009.

On January 2 2011 the introduction of outdoor restrictions will take effect with the required legislative amendments to be introduced to Parliament in March/April 2010.

Overview of Outdoor Smoking Area (OSA) requirements

The requirements forming the framework under which licensed premises can designate an outdoor smoking area (OSA) when the new outdoor restrictions are introduced in 2011 are:

- food cannot be consumed in the OSA.
- an OSA must be not more than 50% of the whole outdoor area of the premises.
- each OSA must have buffers on its perimeter wherever it is adjacent to other parts of the premises' outdoor area.

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 AND ITS IMPLICATIONS FOR COUNCIL'S OUTDOOR DINING POLICY

- a buffer surrounding an OSA includes an impervious barrier or 2 metres in width where a barrier is not present.
- entertainment such as bands, poker machines or pool tables cannot be provided within the OSA whilst electronic items such as speakers, TV screens and jukeboxes may be permissible.
- the OSA can not be of greater amenity than any other outdoor area within the premises.
- the licensee must maintain an up-to-date smoking management plan that is available for perusal by government officers and patrons on request.
- the OSA must comply with all other Northern Territory *Tobacco Control Act* requirements.

Council's Outdoor Dining Policy

The requirements for Council's Alfresco and Sidewalk Café permit holders under the Outdoor Dining Policy are as follows:

- Patrons shall consume alcohol only whilst seated at a table (bar stools and raised tables will not be approved).
- The area shall be clearly delineated with the use of barriers to the satisfaction of the Director of Technical Services.
- Adjacent footpaths shall be controlled in such a manner to minimise disruption to the Public.
- Substantial meals and non-alcoholic drinks shall be available on request.
- The area shall at all times have the appearance of and trade predominantly as an outdoor dining area.
- Prior approval of Council and the NT Liquor Commission.
- Noise levels should be limited to a level that would not cause unreasonable disturbance to the ordinary comfort of ordinary occupiers of any residential premises.¹

¹This Policy will be amended in accordance with Council's current commitment to a general policy review including reformatting and updating.

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Relationship between the requirements of the OSA and the Outdoor Dining Policy

The implications of the new legislation operating in conjunction with Council's Outdoor Dining Policy (such as the requirement for patrons to be seated whilst consuming alcohol) will likely result in required changes to the modes of operation of some Council permit holders.

In March 2009, Council received correspondence from one licensed operator concerning the impact of the existing Policy combined with the pending legislative requirements. Council's response to this letter has been delayed due to the requirement to fully consider the nature and impact of the tobacco legislation reforms which Council did not receive from the NT Government until mid-January 2010.

The operator asserts that the requirement for patrons to be seated whilst consuming alcohol coupled with the new structural prescriptions will render the operation to be at a commercial disadvantage to licensed operations on non-Council or privately owned land.

To mitigate this disadvantage, the operator suggests that Council's Policy be amended to reflect specifications for private property licensed operations, namely that "seating must be available for 80% of maximum patron numbers in a licensed outdoor area" as prescribed by the Liquor Licensing Commission.

To properly consider this request, the following research provides insights into how other local governments are responding, via a contemporary approach, to regulating smoking. To further assist the consideration of this request, the report also reiterates Council strategies in relation to the management of alcohol in the municipality.

Local Government smoking reform initiatives

Whilst there is no question that licensed operators in Darwin will be compelled to conform with the OSA prescriptions in 2011, it is significant to note that local governments across Australia have participated in innovative initiatives to support the healthy, smoke-free amenity of their municipalities beyond the requirements of legislative reform.

According to the Australian Council On Smoking and Health, local governments can make a significant difference to the health, safety and cleanliness of the community by making areas under council control smokefree. This includes areas such as beaches, sporting facilities, parks, playgrounds, outdoor alfresco areas and public events like concerts.

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NSW was one of the first jurisdictions where a number of councils, including Manly, Mossman, and Warringah introduced comprehensive outdoor smoking bans prohibiting smoking in all outdoor eating and drinking (or alfresco dining) areas and in public places such as malls and on footpaths.²

A number of city councils in Western Australia such as Fremantle, Rockingham and Perth also introduced similar restrictions and, in November 2008, Joondalup City Council voted to ban both smoking in alfresco areas on public property and smoking within five metres of the entrances and exits of all Council-owned buildings.³

Council's alcohol management strategies

To retain the current Outdoor Dining Policy accords with the key assertions and recommendations of Council's recent submission to a Liquor Licensing Inquiry into cheap and "problem" alcohol products designed to address the adverse impact of alcohol upon the municipality including the revocation of 4am liquor licenses to 2am.

Aside from the submission to the Inquiry, the Policy also accords with a raft of Council's alcohol management strategies including the design and development of an Alcohol Management Plan in conjunction with the NT Government, a Liquor Accord in the Casuarina Business Precinct also in conjunction with the NT Government and business operators and the implementation and funding of a secure taxi rank in the CBD, etc.

Summary

In view of the research cited above, it is evident that Council's current Outdoor Dining Policy reflects a contemporary approach to mitigating the adverse impacts of the consumption of alcohol in licensed premises. To this end, Council could consider that no amendments to the current Outdoor Dining Policy are required ensuring that the current ambience and amenity of outdoor dining in the municipality is retained.

FINANCIAL IMPLICATIONS:

Nil

STRATEGIC PLAN IMPLICATIONS:

The issues addressed in this Report are in accordance with the following Goals/Strategies of the Darwin City Council 2008 – 2012 as outlined in the 'Evolving Darwin Strategic Directions: Towards 2020 and Beyond':-

² <http://www.cancercouncil.com.au/editorial.asp?pageid=1046> viewed on March 3 2010

³ <http://www.acosh.org/news/> viewed on March 3 2010

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Goal

1 Achieve Effective Partnerships and Engage in Collaborative Relationships

Outcome

1.1 Improve relations with all levels of Government

Key Strategies

1.1.4 Play a strategic role in the planning and developmental processes that impact Darwin

Goal

7 Demonstrate Effective, Open and Responsible Governance

Outcome

7.1 Effective governance

Key Strategies

7.1.6 Develop contemporary management policies and by-laws

LEGAL IMPLICATIONS:

Nil

ENVIRONMENTAL IMPLICATIONS:

Nil

PUBLIC RELATIONS IMPLICATIONS:

Potentially favourable public relations in view of Council's continued commitment to the amenity of the municipality including community safety.

COMMUNITY SAFETY IMPLICATIONS:

The potential for compromised community safety in the vicinity of licensed premises should the requirement for patrons consuming alcohol to be seated be waived.

DELEGATION:

Nil

CONSULTATION:

Nil at this stage

PROPOSED PUBLIC CONSULTATION PROCESS:

Nil

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 AND ITS IMPLICATIONS FOR COUNCIL'S OUTDOOR DINING POLICY

APPROPRIATE SIGNAGE

Nil

RECOMMENDATIONS:

THAT it be a recommendation to Council:-

- A. THAT report Number 10C0033 AF:kl entitled Overview of NT Government Tobacco Legislative Reform and its Implications for Council's Outdoor Dining Policy, be received and noted.
- B. THAT Council retains the existing Outdoor Dining Policy which requires that patrons consuming alcohol are required to be seated.
- C. THAT Council writes to the Director of Colemans Group and the operator of Shenannigans declining his request to amend Council's Outdoor Dining Policy.

ANNIE FARRELL
PRINCIPAL POLICY OFFICER

JOHN BANKS
GENERAL MANAGER COMMUNITY &
CULTURAL SERVICES

Any queries on this report may be directed to Annie Farrell on 5404 or
a.farrell@darwin.nt.gov.au

Report 10C0033 - 1st Ordinary - Attachment - Overview of NT Government...

OUTDOOR EATING AND DRINKING AREAS (Licensed Premises)

FREQUENTLY ASKED QUESTIONS

What are the changes to the legislation?

In June 2010, the Northern Territory Government passed changes to the *Tobacco Control Act* to extend smoke free areas so that they apply to all outdoor eating and drinking venues and areas. Outdoor eating and drinking areas are defined as any outdoor public place provided for the consumption of food or drink, or where a person would expect to be able to consume food or drink provided by an on-site food service.

The smoke free arrangements therefore effect a smoking ban in all public outdoor areas of clubs, pubs, cafés, restaurants and seating areas established for kiosks (and takeaways) or temporary events.

However, premises that hold a full liquor licence may designate an Outdoor Smoking Area/s (OSA) that is no more than half the size of the total outdoor eating and drinking area/s. OSA's will be subject to specified regulatory guidelines that aim to maximise protections against environmental tobacco smoke for staff and patrons.

Smoke free outdoor eating and drinking areas come into effect on 2 January 2011.

Why do we need change?

The risks from exposure to other people's smoking (known as environmental tobacco smoke) are well established. Environmental tobacco smoke kills at least 220 Australians a year, causes cancer, heart disease, respiratory disease and much more, and contains more than 130 toxic chemicals banned as unsafe in most workplaces.

The introduction of smoke free areas in all outdoor eating and drinking areas will separate smoking with the consumption of food and drink and help denormalise achieve community smoking behaviour change. Smoke free areas in outdoor eating and drinking areas will also afford protections against the harmful effects of environmental tobacco smoke for staff that work in those areas and for the public that use them.

Smoke free areas are an important measure to reduce smoking rates because they help discourage and denormalise smoking, reduce access to smoking and lead to increased attempts to quit.

When do the changes commence?

The ban on smoking in all outdoor eating and drinking areas will commence on 2 January 2011.

Any business providing an outdoor eating and drinking area will be able to voluntarily ban smoking in their outdoor eating and drinking area, or any other public outdoor area, prior to 2 January 2011, and enforce it as smoke free under the *Tobacco Control Act*. A separate Fact Sheet is available on voluntarily declaring an outdoor area smoke free.

What is an outdoor eating and drinking area?

An outdoor eating and drinking area is any outdoor public place provided for the consumption of food or drink, or area where a person would expect to be able to consume food or drink provided by an on-site food service.

To be considered an outdoor eating and drinking area it must;

- be open to the public,
- provide either food or drink from an onsite food service or food service adjacent to the area, and
- allow the consumption of food or drink in the area.

Outdoor eating and drinking areas do not include the following:

- Any premises intended to be used as a place of residence – such as personal homes, hotel and motel rooms, or other accommodation (incl camping sites);
- A sporting area being used for bona-fide sporting activities such as a golf course (spectator areas will be subject to the ban);
- Any area designed for, or being predominantly used by vehicles – such as car parks, boat ramps or driveways; and
- Areas larger than five acres and clearly delineated from any on-site food service – such as local and national parks.

Where will the outdoor smoke free areas apply?

The outdoor smoke free areas will apply to all outdoor eating and drinking areas open to the public, including all:

- restaurants, cafés, ice-creameries, kiosks and takeaway outlets;
- market areas, local festivals, mobile vendors and other outdoor events;
- sporting grounds and recreational areas with an on-site food service; and
- liquor licensed premises – such as casinos, pubs, clubs, nightclubs and temporary events.

Some exemptions have been made available for licensed premises and major events in accordance with prescribed guidelines and provisions in the legislation and based on requirements to reduce staff and public exposure to environmental tobacco smoke. Special liquor licences and continuing special liquor license are not eligible for the exemptions.

What will need to be done to comply?

The owner/occupiers of outdoor eating and drinking venues and premises must ensure their patrons do not smoke in those areas, and at a minimum should ensure the following steps are taken:

- Have clear signage in the area stating that there is no smoking permitted;
- Ensure there is nothing in the area which would encourage smoking such as ashtrays; and
- Where reasonable, ensure staff advise people to stop smoking or to move to an area where smoking is permitted.

No Smoking signage is available for free from the Department of Health and Families by contacting 1800 888 564 (toll free) or the Department of Justice on 8999 1800.



What are the exemptions to outdoor smoke free areas?

Businesses that have a full liquor licence are permitted to designate up to 50% of the total outdoor eating and drinking areas as an Outdoor Smoking Area (OSA). The requirements for an OSA include:

- it must be clearly delineated from other areas and identified as a smoking area;
- food (other than pre-packaged food) cannot be consumed in the OSA;
- it must have buffers along the perimeter where it adjoins other parts of the premises;
- entertainment (for example live performances gaming machines and pool tables) cannot be provided in the OSA;
- it cannot be of greater amenity than other outdoor areas on the licensed premises; and
- the licensee must maintain a **Smoking Management Plan**.

Delineation from other areas can either be either in the form of a clearly marked two metre wide buffer or an impervious barrier (such as a wall or screen) up to 2.1 metres high.

Where a two metre wide buffer is used, patrons may use the area for the consumption of drinks and snack food, however all non essential staff service is prohibited in the area and it must be smoke free. If furnishings (e.g. tables and/or seating) are located in a two metre wide buffer, clear signage must be visible to patrons stating that it is a buffer area and highlighting the prohibition on the smoking, the consumption of food (other than 'pre packaged' snack food), and staff service in the area.

If no furnishings are provided in the buffer area, no signage will be required to be displayed, however all buffer areas must be clearly delineated.

Pre-packaged food is food that the licensed premises purchases in packaging that it is then sold in such as chips, nuts, pies, sausages rolls, and confectionary products. The premises cannot package its own products for sale nor remove the products from their packaging as a part of the sale.

Television screens, speakers and other electronic devices may be located in the area as long as staff members are not required to be in the OSA to operate them.

Amenity refers to the look and feel of an area, and is based on its location, function and the facilities it contains. When establishing an OSA a premises should ensure that the smoke free areas are of at least equal or greater amenity than the OSA, and where only one type of any amenity exists on premises it must be smoke free.

A **Smoking Management Plan** records the actions of a premise to ensure compliance with an OSA, and must be made available for inspection by patrons and Authorised Officers under the Act. A template for the smoking Management Plan can be found at www.smokefree.nt.gov.au.

If any of these prescribed requirements are not being met, then the OSA is not valid and the premise is potentially liable for breaching the outdoor smoke free provisions.

How do I find out if my OSA will be compliant?

The Director of Licensing is able to issue a Certificate of Compliance to venues planning to construct an OSA. An application for a Certificate of Compliance can be made to the Director of Licensing and will cost \$50.

The Director of Licensing may require the application to be accompanied by a report, or any other information necessary, to determine that the building works and/or proposed outdoor smoking area facilities will comply with the new legislative requirements.

The type of information that may be sought includes:

- a map of the area including a plan for any buildings or other structures;
- a report about buildings and installations to which the requirements relate;
- a report from the licensee; and
- any other information the Director considers necessary.

It is important to note that when the Director of Licensing issues a Certificate of Compliance it does not imply compliance with any other piece of legislation than the *Tobacco Control Act*. The onus remains on the licensee to identify and satisfy all other relevant legislative requirements (such as building codes, fire and safety legislation, council by-laws etc).

What if I cannot complete the construction of an Outdoor Smoking Area by 2 January 2011?

Exemptions may be available to some liquor licensed premises who can demonstrate that they cannot reasonably be expected to complete the necessary structural works for an outdoor smoking area by 2 January 2011.

Exemptions are able to be granted by Ministerial approval until 30 September 2011.

To be eligible for an exemption the licensee must be able to demonstrate they have a plan for an outdoor smoking area, they have engaged the necessary contractors, and that they have made every reasonable attempt to have the work completed prior to the commencement date.

Applications for an extension can be made in consultation with a licensing inspector. An application for an exemption must be made before the commencement of the new legislation on 2 January 2011. Applications for extension can be lodged for free.

What are the penalties for breaching the outdoor smoke free area?

If the owner/occupier of an outdoor eating and drinking area allows a person to smoke in that (or any other smoke free) area they may be issued with an on the spot fine of \$110. For continued or serious breaches, the owner/occupier may be prosecuted before the courts, with the maximum penalty of \$13 000 for a body corporate.

Patrons or customers who are found smoking in outdoor eating and drinking areas, where the owner occupier has displayed no smoking signage, taken steps to discourage smoking and taken reasonable action to encourage the patron to cease smoking, can be issued with an on the spot fine of \$110.



Who enforces the legislation?

The Northern Territory Chief Health Officer has the authority to authorise a person to enforce the provisions of the *Tobacco Control Act* and *Regulations* and to issue on the spot fines. The Department of Health and Families can assist any business, organisation or local council to assist in arranging for appropriate staff to become authorised where appropriate.

Authorised Officers are also located across a number of Northern Territory Government agencies including; the Department of Health and Families, the Department of Justice, Licensing and Regulation and NT WorkSafe Divisions.

All NT Police Officers are also automatically empowered to enforce the provisions of the *Tobacco Control Act*.

The Department of Health and Families coordinates enforcement activities across these Agencies and has established a free call line for complaints of non-compliance with the Act.

Call 1800 888 564 (toll free).

Further information available.

Further information for licensed premises on either a Certificate of Compliance or an extension to the commencement date, can be obtained from the Department of Justice Licensing Regulation and Alcohol Strategy Division on 8999 1800.

**Further information can also be obtained by visiting the
smoke free website at:**

www.smokefree.nt.gov.au

Or, by contacting the Smoke Free Hotline on: 1800 888 564



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The four D's

4 ways to avoid a cigarette

Delay

for at least five minutes, the urge will pass

Deep breathe

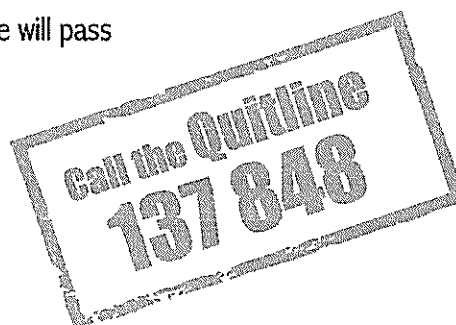
breathe slowly and deeply

Do something else

keep your hands busy

Drink Water

take time out to sip it slowly



Counsellors are available to support smokers to Quit.

Benefits of Quitting ...

- Reduced risk of heart attack and stroke
- Quicker healing after an operation
- Better anaesthetic outcome
- Cleaner lungs - reduce risk of cancer



To refer patients/clients to the NT Quitline for help to Quit a simple referral form is available. To obtain a pad of referral forms call the NT Tobacco Hotline on **1800 588 564**.

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OUTDOOR EATING AND DRINKING AREAS (Non-Licensed Premises)

FREQUENTLY ASKED QUESTIONS

What are the changes to the legislation?

In June 2010, the Northern Territory Government passed changes to the *Tobacco Control Act* to extend smoke free areas to apply to all outdoor eating and drinking venues and areas. Outdoor eating and drinking areas are defined as any outdoor public place provided for the consumption of food or drink, or where a person would expect to be able to consume food or drink provided by an on-site food service.

The smoke free arrangements will therefore effect a smoking ban on all outdoor cafés, restaurants and seating areas established for kiosks (or takeaways). In addition the ban on smoking will apply to all public markets, sports grounds and facilities, recreational areas and park areas where food or drink is available including from mobile or temporary food and drinks providers.

Smoke free outdoor eating and drinking areas come into effect on 2 January 2011.

Why do we need change?

The risks from exposure to other people's smoking (known as environmental tobacco smoke) are well established. Environmental tobacco smoke kills at least 220 Australians a year, causes cancer, heart disease, respiratory disease and much more, and contains more than 130 toxic chemicals banned as unsafe in most workplaces.

The introduction of smoke free areas in all outdoor eating and drinking areas will help to denormalise smoking, separating it from the consumption of food and drink, and areas where people congregate. Smoke free outdoor eating and drinking areas will also afford protections for staff that work in those areas and for the public that use them from the harmful effects of environmental tobacco smoke.

Smoke free areas are an important measure to reduce smoking rates because they help discourage and denormalise smoking, reduce access to smoking areas and lead to increased attempts to quit.

When do the changes commence?

The ban on smoking in outdoor eating and drinking areas will commence on 2 January 2011.

Any business providing an outdoor eating and drinking area will also be able to voluntarily ban smoking in their outdoor eating and drinking area, prior to 2 January 2011 and for it be enforceable as smoke free under the *Tobacco Control Act*. A separate Fact Sheet is available on *Voluntarily Declaring an Outdoor Area Smoke Free*.

What is an outdoor eating and drinking area?

An outdoor eating and drinking area is any outdoor public place provided for the consumption of food or drink, or area where a person would expect to be able to consume food or drink provided by an on-site food service.

To be considered an outdoor eating and drinking area it must;

- Be open to the public,
- Provide either food or drink from an onsite food service or food service adjacent to the area, and
- Allow the consumption of food or drink in the area.

Outdoor eating and drinking areas do not include the following:

- Any premises intended to be used as a place of residence – such as personal homes, hotel and motel rooms, and other accommodation such as camping sites;
- The playing surface of an area being used for sporting activities such as a golf course;
- Any area designed and being predominantly used by vehicles – such as car parks, boat ramps or driveways; and
- Areas larger than five acres and separated from any on-site food service – such as local and national parks.

Where will the outdoor smoke free areas apply?

The complete ban on smoking in outdoor areas will apply to all outdoor eating and drinking areas open to the public, including all:

- Tables, chairs and public areas at restaurants, cafés, ice-creameries and takeaway outlets;
- Eateries, market areas, local festivals and other outdoor events; and
- Sporting grounds, facilities outdoor recreational areas, and other parks and spaces with an on-site food service (including where mobile and temporary food and drink services are provided).

What will need to be done to comply?

The owner/occupiers of outdoor eating and drinking areas and premises must ensure their patrons do not smoke in those areas, and at a minimum should ensure the following steps are taken:

- Have clear signage in the area stating that there is no smoking permitted;
- Ensure there is nothing in the area which would encourage smoking such as ashtrays; and
- Where reasonable, ensure staff advise people to stop smoking or to move to an area where smoking is permitted.

It is an owner/occupiers right to ask anyone who does not comply with the legislation to leave the area. No Smoking signage is available for free from the Department of Health and Families by contacting 1800 888 564 (toll free) or by e-mailing smokefree.dhf@nt.gov.au.

What are the penalties for breaching the outdoor smoke free area?

If the owner/occupier of an outdoor eating and drinking area allows a person to smoke in that area they may be issued with an on the spot fine of \$110. For continued or serious breaches, the owner/occupier may be prosecuted before the courts, with the maximum penalty of \$13 000 for a body corporate.

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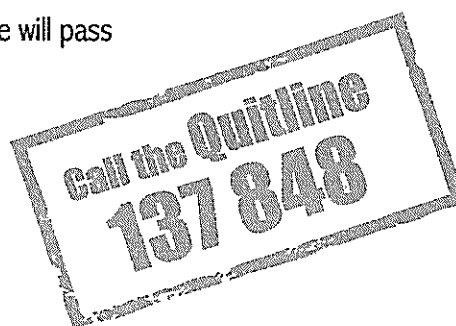
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16 INFORMATION ITEMS AND CORRESPONDENCE RECEIVED

Nil

17 REPORTS OF REPRESENTATIVES

18 QUESTIONS BY MEMBERS

19 GENERAL BUSINESS

20 DATE, TIME AND PLACE OF NEXT ORDINARY COUNCIL MEETING

THAT the next Ordinary Meeting of Council be held on Tuesday, 12 April 2011, at 5.00 p.m. (Open Section followed by the Confidential Section), Council Chambers, 1st Floor, Civic Centre, Harry Chan Avenue, Darwin.

DECISION NO.20\() (29/03/11)

21 CLOSURE OF MEETING TO THE PUBLIC

THAT pursuant to Section 65 (2) of the Local Government Act and Regulation 8 of the Local Government (Administration) Regulations the meeting be closed to the public to consider the Confidential Items of the Agenda.

DECISION NO.20\() (29/03/11)

22 ADJOURNMENT OF THE MEETING (MEDIA LIAISON)